

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

TERRY BERGSEIKER,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	Division
McDONALD'S CORPORATION,)	
a corporation,)	
Serve: Registered Agent)	
Prentice-Hall Corp System)	
221 Bolivar Street)	
Jefferson City, MO 65101)	
and)	
)	
ANTHONY McVEAN, an individual,)	
Serve: 23 Muir)	
and)	
Eureka, MO 63025)	
)	
CORNELIUS RUFFIN, an individual,)	
Serve: 3630 Birchbark Drive)	
Florissant, MO 63033)	
)	
Defendants.)	

**PETITION FOR DAMAGES- HOSTILE WORK ENVIRONMENT IN
VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT**

1. That Plaintiff Terry Bergseiker is a female Missouri resident currently residing at 41 Countrywood Drive, St. Peters, Missouri, 63376.
2. That Defendant McDonald's Corporation (hereinafter "McDonald's") is a duly organized and existing foreign corporation with business locations in St. Charles County and doing business at 1001 N. Main Street, O'Fallon, Missouri, 63366 (hereinafter "the store").
3. That Defendant Anthony McVean at all times mentioned is a Missouri resident and is, and at all times mentioned herein was, employed by McDonald's as a

restaurant manager and supervisor, and that Mr. McVean was Plaintiff's supervisor and store manager, and had the authority to control Plaintiff's work, and to make supervisory employment decisions regarding employees of the store while Plaintiff was employed at the store, and who did in fact act directly in the interests of Defendant McDonald's at all times, and participated in and/or caused or contributed to cause the illegal discrimination described herein.

4. That Defendant Cornelius Ruffin is a Missouri resident and at all times mentioned herein was employed by McDonald's, and worked for McDonald's as an area supervisor and that at such times, Mr. Ruffin had the authority to control and to make supervisory employment decisions with regard to employees of the store while Plaintiff was employed at the store and who did in fact act directly in the interests of Defendant McDonald's at all times, and participated in and/or caused or contributed to cause the illegal discrimination described herein.

5. That venue is appropriate because the events described in this Petition occurred in St. Charles County, Missouri.

6. That at all times mentioned herein, Defendants McVean and Ruffin were the agents, servants and employees of Defendant McDonald's acting within the scope and course of their employment.

7. That Plaintiff began working for Defendant McDonald's on or around April, 1998, and was transferred to the O'Fallon store in approximately 2010. Further, at all times mentioned herein, Plaintiff was a second assistant manager at the store.

8. That Plaintiff has reported Defendants' discriminatory actions, detailed herein, to the MCHR and filed a timely Charge of Discrimination with the Missouri

Human Rights Commission on August 23, 2012 with regard thereto, and further , has received a Right to Sue Letter from the MCHR.

9. That Plaintiff has suffered unwelcome sexual harassment by reason of hostile work environment during her employment with McDonald's, which by reason of Defendants' failure to enforce reasonable standards of conduct of its employees, caused, permitted, allowed, encouraged and promoted Plaintiff's illegal harassment at work based on sex, to wit: in 2012 and thereafter, for approximately 18 months, fellow co-workers under Plaintiff's supervision harassed Plaintiff by cursing at her, by mocking her authority, by failing to obey her directives, and by engaging in sexually crude, lewd and suggestive actions.

10. Many of the insults Plaintiff endured from co-workers involved stereotypes and slurs about women such as "bitch," "whore," and "slut" among others;

11. Plaintiff's co-workers, often emboldened by the Defendants' refusal to promptly and effectively discipline or terminate them for their disrespectful, harassing and/or outrageous acts in the past, increasingly treated Plaintiff in a sexually offensive manner, including, by way of example, an incident where a co-worker mocked Plaintiff by taking work papers and rubbing them into his crotch, before handing them to her, and using a condiment bottle to simulate a sexual act.

12. That on each occasion when such conduct would occur, Plaintiff would advise Defendants of her co-workers' transgressions and ask for meaningful disciplinary action, but none would be taken.

13. That on more than one occasion, Plaintiff had to call the police to the scene to remove recalcitrant employees from the premises.

14. That the aforesaid harassment and abuse of Plaintiff caused Plaintiff to endure repeated humiliation, lost sleep, a sense of hopelessness, crying spells, depression, despair, and loss of workplace authority and control.

15. That Defendants' failure to act reasonably to discipline Plaintiff's co-workers and/or terminate their employments, or take other meaningful and effective disciplinary action so as to alleviate the hostile work environment, thereby caused it to become increasingly severe over time.

16. That Plaintiff's gender was a contributing factor to the aforesaid harassment, which affected the terms, conditions and privileges of Plaintiff's employment, in that Plaintiff was abused and harassed repeatedly and consistently while at work, prevented or hampered in the performance of her job duties, and the harassment was severe and pervasive throughout Plaintiff's employment for an extended period, creating a hostile work environment and unreasonably interfered with Plaintiff's work performance.

17. That Plaintiff has been prevented from meaningful advancement from her position, at least in part, because of the harassment and work environment she endured at the store and because she complained of the sexually hostile work environment.

18. That McDonald's knew of, or should have known of, the discriminatory effect of its treatment of Plaintiff but did nothing to remedy its illegal behavior, and in fact ratified Plaintiff's co-workers' actions, thereby promoting said behavior, causing it to worsen over time.

19. That the acts and omissions of the Defendants, and each of them, occurred over a continuum of time after a series of acts of inappropriate behavior by Plaintiff's co-

workers, at least some of which were allowed or tacitly encouraged or promoted by Defendant's prior act or omissions.

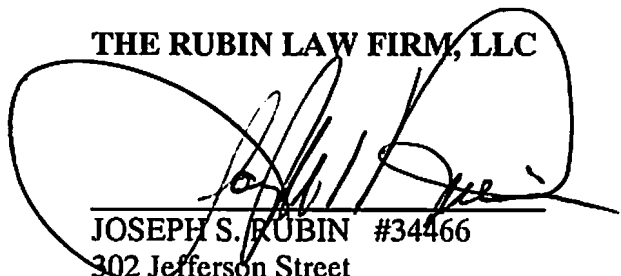
20. That the discrimination and hostile work environment was undertaken by Defendants willfully and with evil motive and reckless disregard of Plaintiff's rights under the Missouri Human Rights Act in that Defendants were aware of their obligations under the MHRA to act reasonably to protect Plaintiff from harassment and discrimination based on Plaintiff's sex but intentionally and/or negligently chose to allow, and in fact, to ratify such harassment, causing the said sex-based discrimination by failing to take any meaningful action to remedy or improve Plaintiff's work environment or make it less hostile, thereby encouraging and promoting the advancement of said sexually hostile work environment, all the while being fully aware of the effect it had upon Plaintiff and her employment.

21. That Defendants' behavior described herein caused Plaintiff to suffer emotional and mental distress, and loss of advancement opportunities, in addition to other damages, including but not limited to lost wages and benefits.

22. That Defendants' actions as set forth herein were willful, wanton and undertaken with callous disregard of Plaintiff's rights, such that the imposition of exemplary and/or punitive damages is justified.

WHEREFORE Plaintiff prays for a trial by jury and judgment against Defendants, and each of them, for actual damages in a fair and reasonable sum over \$25,000, and a separate sum in punitive damages sufficient to deter similar future conduct by Defendants, together with the maximum rate of interest allowed by law, cost of suit, attorneys fees, and for all other relief allowed by law.

THE RUBIN LAW FIRM, LLC



JOSEPH S. RUBIN #34466
302 Jefferson Street
St. Charles, MO 63301
(636) 916-3300
(636) 255-0300 FAX
jrubin@lawrubin.com




IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: RICHARD KEVIN ZERR	Case Number: 1411-CC00755
Plaintiff/Petitioner: TERRY BERGSIEKER	Plaintiff's/Petitioner's Attorney/Address JOSEPH SCOTT RUBIN 302 JEFFERSON ST SAINT CHARLES, MO 63301
Defendant/Respondent: MCDONALDS CORPORATION	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: MCDONALDS CORPORATION
Alias:
 221 BOLIVAR STREET
 JEFFERSON CITY, MO 65101

COURT SEAL OF

ST. CHARLES COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

8/4/2014
Date

/S/ Judy Zerr
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____.

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

 Printed Name of Sheriff or Server

 Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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Defendant/Respondent: MCDONALDS CORPORATION	Court Address: 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: CC Employmnt Discrmntn 213.111	


(Date File Stamp)

Summons in Civil Case

The State of Missouri to: ANTHONY MCVEAN
Alias:

23 MUIR
EUREKA, MO 63025

COURT SEAL OF



ST. CHARLES COUNTY

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Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CORNELIUS RUFFIN
Alias:
 3630 BIRCHBARK DRIVE
 FLORISSANT, MO 63033

COURT SEAL OF

ST. CHARLES COUNTY

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Served at _____ (address)
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